

BEFORE THE BOARD OF OIL, GAS AND MINING
DEPARTMENT OF NATURAL RESOURCES
STATE OF UTAH

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IN THE MATTER OF THE PETITION	:	
OF THE DIVISION OF OIL, GAS	:	
AND MINING, FOR AN ORDER	:	NOTICE OF HEARING
TERMINATING THE SELF BONDING	:	
AND INDEMNITY AGREEMENT	:	
AND REQUIRING UTELITE	:	Docket No. 2002-021
CORPORATION TO POST AN	:	
ADEQUATE REPLACEMENT	:	Cause No. M/043/004
RECLAMATION SURETY OR	:	
SUSPEND MINING OPERATIONS;	:	
UTELITE MINE, UTELITE	:	
CORPORATION, SUMMIT COUNTY,	:	
UTAH	:	

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THE STATE OF UTAH TO ALL PERSONS INTERESTED IN THE ABOVE ENTITLED MATTER.

Notice is hereby given that the Board of Oil, Gas and Mining ("Board"), State of Utah, will conduct a hearing on WEDNESDAY, DECEMBER 4, 2002, at 10 A.M., or as soon thereafter as possible, in the Board Room of the Department of Natural Resources, 1594 West North Temple, Suite 1050, Salt Lake City, Utah.

The hearing will be conducted as a formal administrative adjudication in accordance with the rules of the Board as set forth in Utah Administrative Code R641 *et seq.* (2002) as provided for by Utah Code Ann. § 40-8-1 *et seq.* (1998) and Utah Code Ann. § 63-46b-1 *et seq.* (2002).

The purpose of the proceeding will be for the Board to receive testimony and evidence regarding an Order:

1. Designating a termination date of the Self-bonding and Indemnity Agreement ("Agreement") no less than and no more than 60 days from the date of this Order for the Utelite Mine located in portions of Section 5 and 8, Township 1 South, Range 5 East, SLBM, Summit County, Utah.
2. Requiring Utelite Corporation to provide an alternate reclamation surety in the form and amount satisfactory to the Board no less than 30 days before the stated date of termination of the Agreement.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF HEARING for Docket No. 2002-021, Cause No. M/043/004 was mailed to the following parties, postage prepaid, this 13th day of November 2002:

CERTIFIED MAIL

7001 1940 0006 0779 5303

H. Michael Keller, Esq.

Attorney for Utelite Corporation

Van Cott, Bagley, Cornwall & McCarthy

50 South Main Street, Suite 1600

P. O. Box 45340

Salt Lake City, UT 84145-0340

Carsten Mortensen

Utelite Corporation

P. O. Box 387

Coalville, UT 84017

Kurt E. Seel, Esq.

Assistant Attorney General

Attorney for Board of Oil, Gas & Mining

160 East 300 South, Fifth Floor

P.O. Box 140815

Salt Lake City, UT 84114-0815

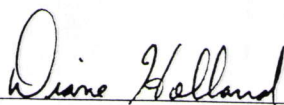
Steven F. Alder, Esq.

Assistant Attorney General

Attorney for Division of Oil, Gas & Mining

1594 West North Temple, Suite 300

Salt Lake City, UT 84116



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2. Requiring Utelite Corporation to provide an alternate reclamation surety in the form and amount satisfactory to the Board no less than 30 days before the stated date of termination of the Agreement.

3. Requiring that in the event Utelite Corporation should fail to provide adequate reclamation surety 30 days prior to the termination date, the large mining notice of intention shall be revoked or suspended, and Utelite Corporation shall reclaim the Utelite Mine according to the approved mining and reclamation plan.
4. Providing for such other relief as may be just and proper under the circumstances.

Objections to this matter should be filed with the Secretary of the Board at the address listed below no later than NOVEMBER 20, 2002. Objections filed later may be considered by the Board at or before the regularly scheduled hearing for good cause shown.

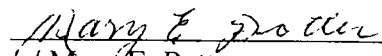
Natural persons may appear and represent themselves before the Board. All other representation by parties before the Board will be by attorneys licensed to practice law in the State of Utah, or attorneys licensed to practice law in another jurisdiction which meet the rules of the Utah State Bar for practicing law before the Utah Courts. Attorney representation may be waived by the Board upon petition and good cause shown.

Persons interested in this matter may participate pursuant to the procedural rules of the Board. The Request for Agency Action, and any subsequent pleadings, may be inspected at the office of the undersigned. A party who fails to attend or participate in the hearing may be held in default.

Pursuant to the Americans with Disabilities Act, persons requiring auxiliary communicative aids and services to enable them to participate in this hearing should call Mary Potter at (801) 538-5327, at least three working days prior to the hearing date.

DATED this 8th day of November, 2002.

STATE OF UTAH
BOARD OF OIL, GAS AND MINING
Elise L. Erler, Chair


/s/ Mary E. Potter
Secretary to the Board
1594 West North Temple, Suite 1210
Salt Lake City, Utah 84116

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